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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER	
GELIN, JEAN ALLAND	
ART UNIT	**PAPER NUMBER**
2688	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/766,054	WORTHAM, LARRY C.	
	Examiner	Art Unit	
	Jean A. Gelin	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/20/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on December 20, 2005 in which claims 18-24 have been amended. Claims 1-24 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 7-10, 12, 15-18, 20, 23, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tendler (US 2004/0176106).

Regarding claims 1, 9, and 17, Tendler teaches a method for determining the location of a mobile device (using DTMF tone to transmit location coordinate of the wireless phone, section 16) comprising: receiving a location message from a communication network, wherein the location message comprises a plurality of signal tones (locator module 16 receives location information via the GPS antenna, sections 17-18, 29); modifying selected signal tones, wherein the selected signal tones have a frequency within a predetermined range of frequencies (DTMF tone is modified by an audio amplifier, section 29); decoding the modified signal tones into a plurality of

decoded values (decoder, sections 29, 33); and determining a location of a user based on at least the plurality of decoded values (sections 18, 29, and 33-34).

Regarding claims 2, 10, and 18, Tendler teaches wherein modifying the volume of selected signal tones comprises setting the volume of the selected signal tones to a predetermined value (i.e., DTMF tone is amplified by an audio amplifier, sections 29, 33-34).

Regarding claims 4, 12, and 20, Tendler teaches generating a location output that includes the location of the user and conforms to National Marine Electronics Association Standard 1083 ("NMEA-1083") (section 33).

Regarding claims 7, 15, and 23, Tendler teaches wherein the plurality of signal tones comprise a plurality of Dual Tone Multifrequency (DTMF) tones, the DTMF tones identifying the location of a position locating device communicated through a mobile communication device (sections 29, 33-34).

Regarding claims 8, 16, and 24, Tendler teaches wherein the location message comprises a plurality of DTMF tones and wherein receiving a location message comprises: receiving voice communication on a voice channel established between the user and the operator (sections 29, 33), and receiving simultaneously the location message on the voice channel (sections 29, 33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 11and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler in view of Cooper et al. (US 3,906,166).

Regarding claims 3, 11, 19, Tendler teaches all the limitations above except wherein modifying the volume of selected signal tones comprises: increasing a volume of each selected signal tone for which the volume is below a predetermined minimum, and decreasing a volume of each selected signal tone for which the volume is above a predetermined maximum.

However, the preceding limitations are known in the art of communications. Cooper teaches the automatic output control increases output power when tone is absent and gradually decreases output when tone is present (col. 10, lines 15-29). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Cooper within the system of Tendler in order that the output power is always maintained at an optimum power.

6. Claims 5, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler in view of Toxler. (US 2002/0196151).

Regarding claims 5, 13, and 21, Tendler teaches all the limitations above except generating a location output that includes the location of the user and conforms to the SiRF binary protocol.

However, the preceding limitation is known in the art of communications. Toxler teaches an external comtroller communicates with the GPS receiver via the SiRF binary protocol which can be used to control AT command Firmware (sections 45 and 55). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the techniques of Toxler within the system Tendler in order that the GSM controller can control the sending of the AT commands through the configuration protocol.

7. Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler in view of Brown (US 5,742,987).

Regarding claims 6, 14, and 22Tendler teaches all the limitations above except signal tones have frequencies between 300 and 3500 Hz.

However, the preceding limitation is known in the art of communications. Brown teaches sending signal tones to each transmit site on a dedicated stable T1-type channel over the inter-site communication links; a lower signal tone (e.g., 300 HZ is used as a gating and higher signal tone (2400 HZ) is used as a clocking frequency reference (i.e., between 300-3500 HZ), col. 4, line 54 to col. 5, line 10). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Brown within the system of Tendler in order to resynchronize transmission data at each transmitter site and correct control channel timing errors that may arise.

Response to Arguments

8. Applicant's arguments filed December 20, 2005 have been fully considered but they are not persuasive.

As per claim 1, the Applicant argues that Tendler fails to disclose receiving a location message from a communication network, wherein the location message comprises a plurality of signal tones. However, the Examiner disagrees with the preceding arguments. The claimed limitation is read on Tendler in sections 16-18, 29, 33, and 34, wherein Tendler teaches a locator module, which is part of the communication network, having GPS antenna for location determination, report the location of the caller in DTMF tones over voice channel.

As per claim 1, the Applicant argues that Tendler fails to disclose modifying selected signal tones, wherein the selected signal tones have a frequency within a predetermined range of frequencies. However, the Examiner disagrees with the preceding argument. The claim does not call for a particular signal tones. The Examiner interprets the claim limitation as all the signal tones are selected. Therefore, the claim is read on Tendler in paragraph 29, wherein audio amplifier modifies the signal tones. The rejection recited above is maintained.

The Applicant further argues that claim 1 is allowable for reasons recited in the argument above. According to Examiner arguments, the claims limitations recited above are not allowable, and the rejections are maintained.

The Applicant further argues that claims 9 and 17 are allowable for the same reasons recited in claim 1. However, claim 1 is rejected for the reasons recited in the argument above. Therefore, claim 9 and 17 are for the same reasons.

As per claim 2, the Applicant further argues that Tendler fails to disclose wherein modifying the volume of selected signal tones comprises setting the volume of the selected signal tones to a predetermined value. However, the Examiner disagrees with the preceding arguments. Tendler teaches the DTFM tone generator is amplified by an audio amplifier. Thus, changing the parameters of the DTMF tone. Applicant further argues that claims 10 and 18 are allowable because they contain the limitation of claim 2. Given that the rejection of claim 2 is maintained, therefore claims 10 and 18 are rejected for the same reasons.

Conclusion

Neher	US 6,362,778	03/26/2002
Tendler	US 2002/0090973	03/17/1987
Stewart	US 6,643,516	11/04/2003
Horstemeyer	US 2004/0254985	12/16/2004
Smith	US 6,580,914	06/17/2003

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
February 28, 2006

JEAN GELIN
PRIMARY EXAMINER